

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America

v.

OCT 04 2018

Case No. 18-MJ-3229PATRICK YELLOWHAIR, year of birth 1981*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/03/2018 in the county of San Juan in theDistrict of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

Title 18, U.S.C. §1111(a)

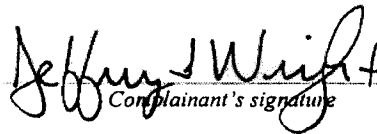
Murder in the Second Degree

Title 18, U.S.C. §1153(a)

Offenses Committed within Indian Country

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Jeffrey T. Wright, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10-4-2018*Judge's signature*City and state: Farmington, New Mexico

B. Paul Briones, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR NEW MEXICO

United States of America

Vs

PATRICK YELLOWHAIR,
year of birth 1981

Case No. 18-MJ-3229

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Jeffrey T. Wright, being first duly sworn, do hereby depose and state:

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation ("FBI"), and have been employed in that capacity for approximately 10 years. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, aggravated assault, and sexual assault. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with local, state, and federal law enforcement partners. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. The information set forth in this affidavit has been derived from an investigation conducted by your Affiant, as well as Shiprock Criminal Investigator (CI) Jerrick Curley, Navajo Department of Criminal Investigations, and/or communicated to me by other law enforcement officers. This affidavit does not set forth all of my knowledge about this matter but is intended to show that there is sufficient probable cause for the requested warrant.

3. This investigation concerns the alleged violation of Title 18 United States Code (U.S.C.) §1111(a) – Murder in the Second Degree, and §1153(a) – Offenses Committed within Indian Country, as PATRICK YELLOWHAIR, year of birth 1981, acted with wanton and reckless disregard for human life by stabbing John Doe, a 40 year-old male victim, to death.

4. During the early morning hours of October 3, 2018, law enforcement officers with the Navajo Police Department (NPD) received a call for help from a home located on Farm Road in Shiprock, New Mexico, approximately 4.4 miles northwest of Highway 491, located within the exterior boundaries of the Navajo Nation Indian Reservation. Responding officers discovered a male victim, identified herein as John Doe, a 40 year-old enrolled member of the Navajo Nation Indian Tribe, lying motionless on the living room floor. John Doe was no longer showing any signs of life and was observed to have suffered two stab wounds to his left shoulder and neck. A red substance similar in appearance to blood was observed on and around his body, as well as throughout the house. Emergency Medical Services also responded to the scene and attempted to provide life-saving care without success. John Doe was pronounced deceased later that morning by a Field Investigator with the New Mexico Office of the Medical Investigator.

5. Upon their arrival, responding NPD officers also located several other people who were inside the residence at the time of the stabbing and who were subsequently interviewed by law enforcement. Initial reports identified John Doe's brother, PATRICK YELLOWHAIR, as the person who stabbed John Doe.

6. Your Affiant and CI Curley conducted an interview with Witness 1, identified further as D.L., year of birth 1981, who provided the following information: On the afternoon of October 2, 2018, Witness 1 was hanging out at the house with PATRICK YELLOWHAIR, John

Doe, Witness 2, identified further as N.T., year of birth 1992, and Witness 3, identified further as R.L., year of birth 1986. At approximately 3:00 p.m., another friend, identified as B.M. and hereafter referred to as Witness 4, came over to the house with a 30-pack of beer and a liter of vodka. Everyone seemed to be fine at first as they all hung out in the living room. At some point in the afternoon, John Doe and YELLOWHAIR began to argue and “talking shit” with each other. They often argued as they drank alcohol. Witness 1 and Witness 3 tried to calm them down, telling them to “chill out”. YELLOWHAIR and John Doe soon started scuffling together, throwing punches and wrestling. The others in the room continued to try to calm them both down. YELLOWHAIR and John Doe eventually calmed down and stopped arguing. John Doe and Witness 4 subsequently left the house while the others watched a movie together. Later in the evening, Witness 1 and Witness 2 went to a different bedroom to lay down. Sometime before midnight, John Doe and Witness 4 came back to the house and knocked at the front door. YELLOWHAIR let them inside, after which John Doe started asking everyone to drink together again, saying, “Let’s do shots, let’s go drink.” YELLOWHAIR’s attitude then suddenly changed. Witness 1 overheard YELLOWHAIR yell at John Doe, saying something to the effect of, “What the fuck! Why don’t you just go home?!” Witness 1 subsequently heard someone go to the kitchen and then walk back to John Doe’s bedroom across from the room where he was laying. He then heard John Doe exclaim, “Aw man, you stabbed me!” and subsequently ask, “Why did you stab me?” Witness 1 subsequently called the police and asked for an ambulance.

7. An interview was also conducted with Witness 2, who provided the following information: While hanging out together in the afternoon of October 2, 2018, Witness 4 came over to the house and shared his alcohol with everyone. At some point in the afternoon, PATRICK YELLOWHAIR and John Doe began to argue and got into a fist fight with each

other. After they stopped, John Doe and Witness 4 left the house together. They came back at approximately 11:30 p.m. with more alcohol. YELLOWHAIR let them back inside, after which John Doe tried to convince YELLOWHAIR to drink with him. Witness 2 was in the rear, corner bedroom with Witness 1. The curtain on the doorway was closed but they could hear YELLOWHAIR and John Doe begin to argue from John Doe's bedroom. Witness 4 could also be heard trying to keep YELLOWHAIR and John Doe calm, telling them to "chill out". At some point, Witness 2 heard John Doe say, "Why'd you stab me?! Why'd you do that?!" When Witness 2 subsequently looked down the hallway, she observed John Doe seated on a living room chair, holding his hand to his neck. A short time later, he slumped forward and fell to the floor. Witness 2 went to the living room and attempted to apply pressure to John Doe's neck in an effort to stop the bleeding. Witness 2 subsequently observed that YELLOWHAIR changed his clothes and thereafter fled the house on foot.

8. An interview was also conducted with Witness 3, who provided the following information: On the afternoon of October 2, 2018, Witness 4 came over to the house and everyone began drinking alcohol together. PATRICK YELLOWHAIR and John Doe soon began to argue and fight. Their fight stopped and started several times, eventually ending when they both calmed down. John Doe and Witness 4 subsequently left the house to get more alcohol. Witness 3 eventually laid down in YELLOWHAIR's bedroom and went to sleep. He subsequently awoke to YELLOWHAIR standing near the bed and changing his shirt. When Witness 3 asked him what he was doing, YELLOWHAIR stated something to the effect of, "I just gotta go, I gotta go." Afterwards, YELLOWHAIR fled the house and Witness 3 got up to see what was going on, during which time he discovered John Doe lying motionless and bleeding on the living room floor.

9. A few hours after the incident, YELLOWHAIR, an enrolled member of the Navajo Nation Indian Tribe, was found by NPD Officers hiding in the bushes outside of the residence. He was subsequently taken into tribal custody and detained in the rear of a patrol vehicle. Upon visual inspection by CI Curley, YELLOWHAIR was observed to have a red substance similar in appearance to dried blood on his legs and shoes.

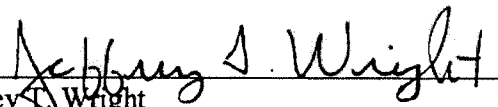
10. A search of the residence was conducted upon consent of the homeowner, identified as YELLOWHAIR and John Doe's sister. Several items of evidence were collected, including multiple bottles of liquor, swabs of a red substance similar in appearance to blood, a knife which was also observed to be stained with a red substance similar in appearance to blood, and a matching knife sheath. The knife was found on the floor of John Doe's bedroom, next to several large droplets of what appeared to be blood. The sheath was found on the floor of the kitchen. No other weapons were located, including in the bedrooms or in the living room where John Doe was found on the floor.

11. Based upon the information provided in this affidavit, your Affiant submits there is probable cause to believe that during the early morning hours of October 3, 2018, PATRICK YELLOWHAIR, a member of the Navajo Nation Indian Tribe, was within the territorial jurisdiction of the Navajo Nation Indian Reservation when he killed John Doe by stabbing him at least two times, resulting in John Doe's death, in violation of and pursuant to Title 18 U.S.C. §1111(a) – Murder in the Second Degree, and §1153(a) – Offenses Committed within Indian Country.

12. I do hereby swear this information to be true and correct to the best of my knowledge and belief.


13. This affidavit was reviewed and approved by Supervisory Assistant United States Attorney Kyle Nayback, United States Attorney's Office.

Respectfully submitted,



Jeffrey T. Wright
Special Agent
Federal Bureau of Investigation
Farmington Resident Agency

Subscribed and sworn to before me on October 4, 2018.



B. Paul Briones
United States Magistrate Judge